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9 *Attorneys for U.S. Bank National Association, U.S. Bank  
Home Mortgage and Mortgage Electronic Registration  
Systems, Inc., erroneously sued as MERS*

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10 **UNITED STATES DISTRICT COURT**  
11  
12 **DISTRICT OF NEVADA**

13 GODSON ERUCHALU,  
14  
15 vs.  
16 US BANK NATIONAL ASSOCIATION AS  
17 TRUSTEE OF GINNIE MAE GUARANTEE  
REMIC PASS-THROUGH SECURITIES AND  
MX SECURITIES; GINNIE MAY REMIC  
TRUST 2010-134; US BANK HOME  
MORTGAGE; BANK OF AMERICA; FIRST  
OPTION MORTGAGE; NATIONAL  
DEFAULT SERVICING CORP., MERS; and  
DOES 1-100 inclusive,  
18  
19 Appellees.

CASE NO. 2:15-CV-00946-JCM  
Appealed from  
CASE NO. 2:14-BK-11381-ABL  
ADV. NO. 2:14-AP-01117-ABL

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28 **APPELLEES' UNOPPOSED MOTION  
TO EXTEND TIME TO FILE  
ANSWERING BRIEF**

**(First Request)**

Pursuant to FRCP 6(b) and LR 6-1, Appellees/Defendants U.S. BANK NATIONAL ASSOCIATION, U.S. BANK HOME MORTGAGE and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (erroneously named as MERS) (collectively “Appellees”), by and through their counsel of record HOLLAND & HART LLP, hereby move the Court for a two (2) week extension to file their Answering Brief. This request is timely as the current deadline is August 20, 2015, and request is made to extend the time to file through September 3, 2015. Appellant has stated by email that he “has no objection” to Appellees request for extension of time (*see* Exhibit 1 hereto).

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Holland & Hart LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134

1 DATED this 19th day of August, 2015.

2 HOLLAND & HART LLP

3 /s/ Ryan A. Loosvelt

4 Ryan A. Loosvelt, Esq. (8550)

5 Patrick J. Reilly (6103)

9 9555 Hillwood Drive, 2nd Floor

10 Las Vegas, Nevada 89134

11 *Attorneys for Appellees/Defendants Mortgage  
12 Electronic Registration Systems, Inc., U.S. Bank  
13 National Association, U.S. Bank Home Mortgage*

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 The current deadline for the Appellees to file their Answering Brief is August 20, 2015.

16 The Appellant initially filed a request for a 20-day extension to file his Opening Brief on July  
17 15, 2015 [Dkt. #20]. Appellees did not oppose the request. The Court granted Appellant's  
18 motion to extend time to file his answering brief on July 16, 2015 [Dkt. #21]. On August 6,  
19 2015, Appellant filed his Opening Brief [Dkt. #22].

20 Appellees' counsel had a pre-planned vacation that in part coincided with the time to file  
21 the Answering Brief after the extension granted to Appellant. (Loosvelt Declaration).  
22 Appellees' counsel has also been consumed on other time-sensitive and emergency matters,  
23 including several depositions and motions in other state, federal, and AAA arbitration  
24 proceedings. (*Id.*). Appellees reached out to Appellant and notified him of the Appellees intent  
25 to seek additional time to submit an Answering Brief, and Appellant sent an email stating "has  
26 no objection" to Appellees request for extension of time. (*See Exhibit 1 hereto*).

27 This is Appellees' first request for an extension, and request is made before the deadline  
28 to file the Answering Brief has passed. A court may extend the deadline for good cause where  
the request is made before the extension expires. Fed. R. Civ. P. 6(b)(1)(A). Appellees' request  
for an extension is also unopposed. The declination of a party to oppose a motion constitutes  
consent to the granting of the motion pursuant to LR 7-2(d). Consequently, for good cause,  
Appellees request this Court grant their unopposed Motion for Extension of Time to File  
Answering Brief through September 3, 2015.

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Holland & Hart LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134

1 DATED this 19th day of August, 2015.

2 HOLLAND & HART LLP

3 /s/ Ryan A. Loosvelt

4 Ryan A. Loosvelt, Esq. (8550)  
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6 9555 Hillwood Drive, 2nd Floor  
7 Las Vegas, Nevada 89134

8 *Attorneys for Appellees/Defendants Mortgage  
9 Electronic Registration Systems, Inc., U.S. Bank  
10 National Association, U.S. Bank Home Mortgage*

11 **DECLARATION OF RYAN LOOSVELT**

12 I, RYAN LOOSVELT ESQ., hereby declare as follows:

13 1. I am an attorney in the law firm Holland and Hart LLP, attorneys of record for  
14 Appellees/Defendants U.S. BANK NATIONAL ASSOCIATION, U.S. BANK HOME  
15 MORTGAGE, and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,  
16 erroneously named as MERS (hereinafter “MERS”) (U.S. Bank and MERS collectively as  
17 “Appellees”). I am over the age of eighteen years old, I have personal knowledge of the facts  
18 and circumstances set forth in this Declaration, and could and would competently testify thereto  
19 in a court of law.

20 2. Attached as **Exhibit 1** to Appellees’ Motion for Extension is a true and correct  
21 copy of the August 19, 2015 email string between myself and Appellant wherein Appellant states  
22 he has no objection to Appellees request for a two week extension.

23 3. Among other things, I had a pre-planned vacation that coincided the time to brief  
24 and file the Answering Brief after the extension granted to Appellant. I have also been  
25 consumed on other time-sensitive and emergency matters, including several depositions and  
motions in other state, federal, and AAA arbitration proceedings.

26 I declare that the foregoing is true and correct under the penalty of perjury under the laws  
27 of the United States of America.

28 DATED: August 19th, 2015.

/s/ Ryan Loosvelt

Ryan A. Loosvelt

Holland & Hart LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134

1 IT IS SO ORDERED:  
2  
3 *James C. Mahan*  
4 UNITED STATES DISTRICT JUDGE  
5 Dated: August 20, 2015  
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Holland & Hart LLP  
9555 Hillwood Drive, 2nd Floor  
Las Vegas, Nevada 89134

# **EXHIBIT 1**

**EXHIBIT 1**

**Ryan A. Loosvelt**

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**From:** Godson Eruchalu <[sirgodson@yahoo.com](mailto:sirgodson@yahoo.com)>  
**Sent:** Wednesday, August 19, 2015 1:49 PM  
**To:** Ryan A. Loosvelt; [aaftek@cox.net](mailto:aaftek@cox.net)  
**Cc:** Yalonda J. Dekle  
**Subject:** Re: Eruchalu v. U.S. Bank et al. - request for extension

Hello Mr Loosvelt:

I am in receipt of your email, with intent to approach the Honorable court, for two-week extension of time to file your Answering Brief.

I have no objection to your request for extension of time, and you may proceed accordingly with your motion to the Honorable court.

Sincerely,

Godson Eruchalu

On Wednesday, August 19, 2015 1:01 PM, Ryan A. Loosvelt <[RALoosvelt@hollandhart.com](mailto:RALoosvelt@hollandhart.com)> wrote:

Mr. Eruchalu, as you know we did not oppose your two extension motions to file your Opening Briefs in your two current appeals. Please let us know whether you agree to a 2 week extension for U.S. Bank to file its Answering Brief in the first appeal. The extension you received caused briefing to occur while I was on a pre-planned vacation as well as consumed on other time-sensitive matters. We will likely be submitting the motion tomorrow. Thank you.

Regards,

**Ryan Loosvelt**  
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